



03-28-02

CPA/1600

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PATENT

Proprietor's Docket No. 6231.N CN1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of: Foster, Todd P.; Moseley, William M. and Singh, Satish K.

Application No.: 09/500,246

Group No.: 1616

Filed: February 8, 2000

Examiner: F. Choi

For: PHARMACEUTICAL IMPLANT CONTAINING IMMEDIATE-RELEASE AND  
SUSTAINED-RELEASE COMPONENTS AND METHOD OF ADMINISTRATION

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#11

AKO

4-9-02

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)  
(37 C.F.R. § 1.53(d))

1. This is a request for a filing of a continuation continued prosecution application under 37 C.F.R. § 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings and oath or declaration from the prior application, to constitute this new application, and that the application number of the above identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

✓ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231  
37 C.F.R. § 1.8(a)  
G with sufficient postage as first class mail.

✓ as "Express Mail Post Office to Addressee"  
37 C.F.R. § 1.10\*  
Mailing Label No. EV063716843 US (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_ - \_\_\_\_\_.

Date: March 27, 2002

Julie K Lyons  
Signature  
JULIE K. LYONS  
(type or print name of person certifying)

\* Only the date of filing ( ' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" ( ' 1.10) or facsimile transmission ( ' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

03/29/2002 AWONDAF1 00000144 210718 09500246

01 FC:131  
02 FC:103

740.00 CH  
36.00 CH

2. With respect to the above identified prior nonprovisional application, this continued prosecution application is being filed before the termination of the proceedings on the prior application. (37 C.F.R. § 1.53(d)(1)(ii)(C)).



The term for response or taking action in the prior application expires on March 11, 2002.

An extension of time in the prior application is filed concurrently in the prior application.

It is noted that:

- \* This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
- \* Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
- \* Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request and that no amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).

4. This continued prosecution application names as inventors, the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.


5. Attached hereto is an amendment to the prior application as it existed prior to the filing of this continuation prosecution application.

**6. Information Disclosure Statement**

Enclosed is an Information Disclosure Statement in accordance with the requirements of 37 C.F.R. § 1.98.

7. **Fee Calculation**

Regular Application



CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$740.00
Total Claims (37 C.F.R. § 1.16(c))	22 - 20 = 2	x \$18.00 =	\$36.00
Independent Claims Independent Fees Basic*** (37 C.F.R. § 1.16(b))	3 - 3 = 0	x \$ 18.00 =	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))	+ \$ 0.00	\$270.00 =	\$0.00

Filing Fee Calculation

\$776.00

8. **Fee Payment Being Made at This Time**

Not Enclosed

9. **Method of Payment of Fees**

Authorization is hereby made to charge the amount of \$776.00 to Deposit Account No. 21-0718 Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this request is attached.

10. **Authorization to Charge Additional Fees**

The Office is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 21-0718:

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

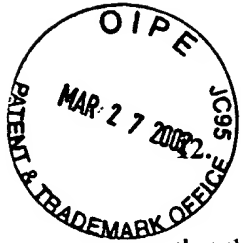
37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

37 C.F.R. § 1.17 (application processing fees)

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11. Instructions as to Overpayment

Credit Account No. 21-0718



Change of Correspondence Address Since Filing of Parent Application

Since this filing is a continuation there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

Date: 3/26/02

Reg. No.: 28,075  
Tel. No.: 1-616-833-2532  
Customer No.: 25533

John H. Engelmann  
Signature of Practitioner

John H. Engelmann  
Pharmacia & Upjohn Company  
301 Henrietta Street  
0228-32-Law  
Kalamazoo, MI 49007

Encs.: Assoc. Power of Atty  
Petition & Fee for Extension of Time  
Amendment w / Appendix A  
Supplement Information Disclosure w/Refs

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